

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COURTNEY SIMMONS,

Defendant.

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No. 14-cr-20020-STA

ORDER DIRECTING THE GOVERNMENT TO RESPOND

Before the Court is Defendant Courtney Simmons' Second Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (ECF No. 75) filed June 17, 2020. The Court denied Simmons' initial request, which he made pro se, based on the fact that he had not shown that he had exhausted his administrative remedies, a mandatory prerequisite to filing a motion for compassionate release. *See United States v. Alam*, --- F.3d ---, No. 20-1298, 2020 WL 2845694 (6th Cir. June 2, 2020). The Court denied Simmons' request, however, without prejudice to make the request again once Simmons could show that he had exhausted his administrative remedies.

Simmons has now filed his Second Motion for Compassionate Release and asserted that he made his administrative request for compassionate release on May 1, 2020. Simmons argues that based on his preexisting lung injury and the risk posed to his health by the Covid-19 pandemic generally and the conditions of his confinement at FCI Yazoo City specifically, he can demonstrate compelling reasons for his compassionate release. Simmons served a copy of his Second Motion on the government, and under the normal Local Rules, the United States would

have 14 days in which to respond. The Court directs the government to file a response to Simmons' request for compassionate release. The government's brief is due on or before July 1, 2020.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: June 23, 2020